

REMARKS

This amendment is filed so as to conform the above application to the corresponding International application (PCT/IB01/01950, filed 17 Oct. 2001) as amended under Article 34. With this paper, claims 1 and 10 are amended, but no other changes are made to the claims, and so claims 1-18 remain in the application.

In the corresponding International application, the PCT Examiner issued an IPER in which all claims except claims 4, 6, 9, 13, 15 and 18 are rejected, even after our amendment under Article 34.

Applicant respectfully disagrees with the PCT Examiner's arguments traversing our assertions made in response to the Written Opinion in the PCT case that first, our "based solely" limitation is supported, and second, that regardless, Lagerqvist teaches the invention even including the "based solely" limitation. Regarding support, in our view claim 4 (as well as claims 6, 9, 13, 15 and 18) clearly restricts the invention to the use of good frames, and since even if we have disclosed in the specification taking into account bad frames, we are entitled to narrow the claims to avoid the prior art, which is all we have done here. Regarding Lagerqvist disclosing the "based solely" limitation, the Examiner cites from col. 5, line 52 to col. 6, line 26, and in particular notes that there Lagerqvist states that, " $w_0(0)=0.0$ ,  $w_0(4)=-1.0$ " as support for the Examiner's contention that Lagerqvist teaches using zero weights for bad frames and so teaches our "based solely" (on good frames) limitation. But neither  $w_0(0)$  nor  $w_0(4)$  is a weight. The weights are  $w_0, \dots, w_j$ . And the weight  $w_0$  is calculated using the "do while" procedure at col. 6, line 20. To the extent that what is taught there is intelligible at all, we respectfully submit that

Attorney Docket No.: 944-3.43-1  
Application Ser. No.: 09/918,300

it certainly does not teach using only non-zero weights for good frames.

For all the foregoing reasons it is believed that all of the claims of the application now meet all requirements for patentability, and an international preliminary examination report so stating is earnestly solicited.

Feb. 2, 2004

Date

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, CT 06468-0224

tel: (203) 261-1234  
Cust. No.: 004955

Respectfully submitted,



James A. Retter

Registration No. 41,266